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Application Serial No.: 10/637,882
Supp. Amdt. dated August 3, 2006
Reply to Office Action of February 8, 2006

NO. 3678 P. 14/16

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REMARKS

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Further to the reply filed on April 17, 2006 and in response to the Office Communication dated July 6, 2006, this Supplemental Amendment includes additional remarks (in italics) which specifically point out the support in the original disclosure for each of the newly presented claims.

New Claims 72-107

New claim 72 is similar in many respects to original claim 1. Words have been modified, omitted or supplemented, though the essential elements remain; namely a support stent including an expandable frame and a plurality of longitudinally rigid support beams of fixed length, and a valve assembly made of pliant material anchored thereto. The support stent is annular which is noted throughout the application, otherwise claim 72 is merely a restatement of original claim 1 and is believed patentable over the art of record.

Specifically, claim 72 provides an annular support stent having a substantially circular profile in an expanded configuration and a plurality of longitudinally rigid support beams of fixed length. Although Applicants acknowledge the presence of the longitudinally rigid commissure posts 42 in Schreck, these are not part of a support stent having a substantially circular profile. Indeed, a preferred construction of the support stent 24 of Schreck is using a single piece of flat material which is first rolled into a tubular shape after which the commissure posts 42 are bent outward to project in the opposite direction from their original direction (see column 7, lines 18-32). As a result, a narrow space 62 exists between the commissure posts 42 and the exterior of the tubular support stent 24. See Fig. 3 where a lower portion of a flexible tubular member 20 extends into these spaces. Moreover, there is no disclosure of alternative stents or suggestions to modify the stent of Schreck so that it describes a substantially circular profile in which are provided the commissure posts 42. Accordingly, Applicants assert that claims 72 and its dependents are allowable over Schreck.

New claim 83 is also similar to original claim 1. The support stent is tubular which is synonymous with annular, and is shown in Fig. 1 for example. Other than the distinction noted below, claim 83 is merely a restatement of original claim 1 and is believed patentable over the art of record.

Specifically, claim 83 provides a support stent that is substantially tubular in its deployed state and having a plurality of longitudinally rigid support beams of fixed length distributed around a circumference thereof and extending substantially co-extensively with the support stent. The commissure posts 42 of Schreck, on the other hand, project substantially farther on an outflow end of a tubular base 40 of the support stent. Individual leaflets are formed by attaching commissures of the flexible tubular member 20 to the commissure posts 42 above the outflow end of the tubular base 40. There is no discussion of altering the commissure posts 42 so they stand substantially co-extensively with the tubular base, and therefore Applicants assert that claim 83 and its dependents are allowable over Schreck.

New claim 96 is also similar to original claim 1, with the removal of longitudinally rigid support beams and the addition of a fabric layer between the valve assembly and support stent. The fabric layer can be seen between the inner valve 570 and outer stent 575 in Fig. 44b, for example. PET is one exemplary fabric described. Other than the modified stent and fabric layer, claim 83 is merely a restatement of original claim 1 and is believed patentable over the art of record.

Specifically, claim 96 provides a valve prosthesis device that has an outer support stent, an inner valve assembly, and a fabric layer positioned between the valve assembly and support stent and to which both are stitched. This is not disclosed or suggested in Schreck, and therefore Applicants assert that claim 96 and its dependents are allowable over Schreck.

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CONCLUSION

In view of the above amendments and remarks, Applicants believe that new claims 72-107 are allowable in their present form. Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

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